1 2 3 4 5 6 7 8 9	JOSEPH P. RUSSONIELLO (CABN 44332) United States Attorney BRIAN J. STRETCH (CABN 163973) Chief, Criminal Division MATTHEW L. McCARTHY(CABN 217871) Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-6838 Facsimile: (415) 436-7234 Matthew.McCarthy@usdoj.gov Attorneys for Plaintiff		
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12	UNITED STATES DISTRICT COURT		
13	NORTHERN DISTRICT OF CALIFORNIA		
14	SAN FRANCISCO DIVISION		
15			
16	UNITED STATES OF AMERICA,	CR No. 08-0755-SI	
17	Plaintiff,	[PROPOSED] STIPULATED ORDER CONTINUING STATUS CONFERENCE	
18	v.)	Current Hearing Date: March 27, 2009	
19	LUIS DIAZ,	Time: 11:00 a.m. Judge: Hon. Susan Illston	
20	Defendant.	Proposed Hearing Date: May 8, 2009	
21		Time: 11:00 a.m.	
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27 28			
20	[PROPOSED] STIPULATED ORDER CONTINUING CR 08-0755-SI	STATUS CONFERENCE	

The above-captioned case is currently scheduled for a status conference on 1 2 Friday, March 27, 2009 at 11:00 a.m. Counsel for the parties are currently engaged in negotiations regarding a possible resolution of this case, and those negotiations require 3 4 additional investigation of facts by both sides. Accordingly, the parties desire additional time to investigate the relevant facts and attempt to reach a resolution. 5 6 In addition, both counsel for the government and counsel for the defendant 7 are set for trials in other matters during the month of April. Therefore, the parties jointly request that the date for the status conference 8 9 in this case be continued one month to Friday, May 8, 2009 at 11:00 a.m. 10 Further, the parties stipulate and jointly request that time be excluded from the 11 Speedy Trial Act calculations from March 27, 2009 through May 8, 2009 for effective 12 preparation and continuity of counsel. The exclusion of time is necessary both because of the 13 further investigation described above and because of the intervening trials of counsel. The parties agree that the ends of justice served by granting such a continuance outweighed the best 14 interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A). 15 16 SPEEDY TRIAL ACT IMPLICATIONS 17 Pursuant to 18 U.S.C. § 3161, and Crim. Loc. Rule 47-2(c), there are seventy (70) 18 days remaining before the trial in this case must commence. Taking the stipulated time exclusion 19 20 // // 21 22 // 23 // 24 // 25 // 26 // 27 // 28 // [PROPOSED] STIPULATED ORDER CONTINUING STATUS CONFERENCE

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1	//		
2	from March 27, 2009 through May 8, 2009 into account, the "speedy trial" date for this		
3	matter is July 17, 2009.		
4	IT IS SO STIPULATED.		
5	March 26, 2009	/s/	
6	DATED	JOSEPH P. RUSSONIELLO	
7		United States Attorney Northern District of California MATTHEW L. McCARTHY	
8		Assistant United States Attorney	
9	March 26, 2009	/s/	
10	DATED	RON TYLER	
11		Assistant Federal Public Defender Attorney for Isaac Medina-Hernandez	
12			
13	For good cause shown, the status conference now scheduled for Friday,		
14	March 27, 2009 is vacated. The matter shall be added to the Court's calendar on Friday,		
15	May 8, 2009 at 11:00 a.m. for status and possible change of plea.		
16	In addition, for the reasons stated above, the Court finds that an exclusion of time		
17	from March 27, 2009 through May 8, 2009 is warranted and that the ends of justice served by the		
18	continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18		
19	U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense		
20	counsel the reasonable time necessary for effective preparation, taking into account the exercise		
21	of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).		
22	Taking the exclusion of time from March 27, 2009 through May 8, 2009 into account, the		
23	"speedy trial" date for this matter is July 17, 2009.		
24			
25	IT IS SO ORDERED.		
26		Juran Delaton	
27	DATED	HON. SUSAN ILLSTON	
28	DATED	United States District Court Judge	

[PROPOSED] STIPULATED ORDER CONTINUING STATUS CONFERENCE CR 08-0755-SI $\ \ 2$

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